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Sam ZaghmoutDr. O. M. (Sam) Zaghmout

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Attachments: \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Applicant:** Antonio FERRANTE**Application Serial Number:** 10/505,446**Title:** THERAPEUTIC PROPERTIES OF OILS**Filing Date:** 09/01/2004**Art Unit:** 1615**Examiner:** Paul C. Martin**Confirmation number:** 3217**Mail Stop:** Patent Application (Response to restriction requirements)

Date: March 01, 2006

**RESPONSE TO RESTRICTION REQUIREMENTS**

Honorable Commissioner for Patents  
P.O. Box 1450 Alexandria, VA 22313-1450

In response to the Restriction Requirements mailed February 08, 2006, applicant provisionally elects, with traverse, the claims of Group II (Claims 42-53) to be examined on the merit. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks herein, is respectfully requested.

Page 1 of 3. 12:48 PM. 3/1/2006. Response to Restriction requirement. Applicant: Antonio FERRANTE. Application Serial Number: 10/505,446. Title: THERAPEUTIC PROPERTIES OF OILS. Filing Date: 09/01/2004. Art Unit: 1615. Examiner: Paul C. Martin. Confirmation number: 3217. Mail Stop: Patent Application (Response to restriction requirements)

The Restriction Requirement is traversed on the basis that the inventions of Group I (Claims 32-41) and Group II (Claims 42-53) are related. Both groups of claims relate to very similar assay systems for grading the anti-inflammatory activity of known substance. The only difference between the two groups of claims is that the claims of Group I are directed to *an vivo* assay system, whereas the claims of Group II are directed to an *in vitro* assay system. The inventive concept for both groups of claims is the same, e.g., provision of an assay system whereby the anti-inflammatory activity of different samples of a test substance such as emu oil can be compared and graded in a scientific and quantitative fashion. The subject matter of the claims within Groups I and II is sufficiently similar that search and examination of both groups of claims can be made without serious burden. A Search with respect to the subject matter of the claims of Group I would necessarily entail a search of the subject matter of the claims of Group II (and vice versa).

In addition, the Restriction Requirement is traversed on the basis that the Restriction requirements are optional in all cases. M.P.E.P. § 803. If the search and the examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of another patent application (a divisional application) in order to have protection for the claimed subject matter. For instance, due to the relatedness of the claims in Group I and Group II can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

Thus, the restriction requirement is properly traversed. Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested. Applicant reserves the right to file a divisional application at a later stage for prosecuting the other claims.

Applicant respectfully requests favorable consideration of the present application and a timely examination of the pending claims.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

By: Sam Zaghamout

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Page 3 of 3. 12:48 PM. 3/1/2006. Response to Restriction requirement. Applicant: Antonio FERRANTE.  
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